

REMARKS

In this amendment, Applicant has cancelled Claims 1 – 2 and 4 – 6 without prejudice or disclaimer, amended Claim 3 and added new Claims 7 – 8 to overcome the rejections under 35 U.S.C. §103 and define specific embodiments of the present invention. The support for the amendment can be found throughout the specification, e.g. on page 20, paragraph [0064] and Figs. 6A—6D of the specification as filed. It is respectfully submitted that no new matter has been introduced by the amended and added claim. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 – 2 and 6 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Kurano (JP 2002-050364) in view of Maruyama et al. (US 6,510,435). Claims 3 – 5 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Kurano in view of Maruyama and further in view of Ohnuma (US 2007/0207365).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over cited references. At first, Claims 1 – 2 and 4 – 6 have been cancelled without prejudice or disclaimer. Therefore, the rejections to these claims are moot. In addition, Applicant respectfully submits that there are significant differences between the present invention as defined in Claims 3, 7 – 8 and the cited references.

According to MPEP 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The concave shape of rib 32 of Ohnuma differs significantly from the concave portion in the main body of separator of the present invention. The rib 32 is a part of the separator 18 which makes contact with the adjacent separator 19 for making sealing structure therewith. The rib 32 does not make contact with the rubber gasket.

On the other hand, the concave portions of the present invention are to be filled with a part of the elastic material of a gasket. Claim 3 defines that "***part of the elastic material also fills the concave portions.***" This feature is not disclosed or suggested by Ohnuma or any other references. The dependent Claims 7 – 8 include these feature as well as additional features that are not disclosed, suggested or otherwise motivated a person of ordinary skill in the art to combine the cited references.


Therefore, the newly presented claims are not obvious over cited references and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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